

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. Application No.: 10/510,512
Attorney Docket No.: Q83567

REMARKS

Status of the Claims

Claims 16 and 17 are pending, of which Claim 16 is allowed. (*See* Advisory Action dated June 23, 2009.) Applicant thanks the Examiner for indicating that Claim 16 is allowed.

In the present Amendment, Claim 17 has been amended to replace the recitation “a reducing agent” with “one or more of ethylene glycol, diethylene glycol, triethylene glycol and ethylene glycol diacetate” to specify the claimed reducing agents. Support for this amendment is found, for example, at page 6, line 25 to page 7, line 2 of the originally filed specification. No new matter has been added, and entry of the Amendment is requested.

Response to the Examiner’s Section 102 and 103 Rejections of Claim 17

Referring to Paragraph No. 1 at page 4 of the Office Action dated March 11, 2009, Claims 16-19 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as obvious over U.S. Pub. No. 2003/0124259 (Kodas) in view of USPN 4,049,844 (Bolon). Referring to Paragraph No. 2 at page 6 of the Office Action, Claims 1, 2, 4, 6, 7, 9-14 and 16-19 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kodas. (As the Examiner is aware, Claims 1, 2, 4, 6, 7, 9-14, 18 and 19 have been canceled and are no longer pending, and Claim 16 has been allowed. Thus, the only pending claim that is presently under rejection is Claim 17.)

Applicant respectfully traverses the rejections of Claim 17 and asks the Examiner to reconsider and withdraw the rejections in view of (1) Applicant’s Remarks set forth in the Rule 116 Amendment filed June 10, 2009, which overcame the Examiner’s above-noted rejections

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based on Claim 16, (2) the additional comments set forth herein below and (3) the amendments to Claim 17.

To advance prosecution, the reducing agent of Claim 17 has been amended herein to recite one or more specific compounds. Kudas fails to disclose or suggest the claimed reducing agents. Accordingly, Claim 17 is patentable over both the disclosure of Kudas and the Kudas/Bolon combination.

In view of the above, reconsideration and withdrawal of the Section 102 anticipation and Section 103 obviousness rejections of Claim 17 are respectfully requested.

Response to the Examiner's Double Patenting Rejection of Claim 17

Referring to page 9 of the Office Action, Claims 1, 2, 4, 6, 7, 9-14 and 16-19 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over Claims 1, 4-6, 9-18 and 20-24 of copending Application No. 10/500,124 - as amended on November 25, 2008 - in view of Kudas. (Again, Claims 1, 2, 4, 6, 7, 9-14, 18 and 19 have been canceled and are no longer pending, and Claim 16 has been allowed. Thus, the only pending claim that is presently under a double patenting rejection is Claim 17.)

Without conceding to the merits of the rejection, Applicants submit that the amendments to Claim 17 and the arguments set forth above overcome the obviousness-type double patenting rejection of Claim 17 based on U.S. App. No. 10/500,124 in view of Kudas.

In view of the above, reconsideration and withdrawal of the nonstatutory obviousness-type double patenting rejection of Claim 17 are respectfully requested.

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Conclusion

Reconsideration and allowance of Claims 16 and 17 of this application are now believed to be in order, and such actions are hereby solicited.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the local, Washington, D.C., telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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